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Counsel for Defendant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

N.S. by and through
His parents, J.S. and R.S.,

Plaintiffs,

vs.

Anchorage School District,

Defendant.

Case No. 3:05-cv-0177 (TMB)

MOTION TO INTERPLEAD FEES

Comes now the defendant Anchorage School District (“ASD”), by and through its attorneys, who moves this court pursuant to Rule 22 FRCP to allow it to interplead the fees awarded by this court in its order dated September 26, 2007 (Docket 89). The basis for this motion is that ASD believes there exists a dispute between the Disability Law Center of Alaska, Inc. (“DLC”), former counsel for plaintiffs, and Sonja Kerr, present counsel for the plaintiffs, concerning to whom such fees must be paid.

In the order granting the motion of DLC to intervene in this matter (Docket 84), the court reviewed the history of representation of the plaintiffs by DLC and Kerr. In that order, the court noted it is “undisputed that DLC has a significantly protectable interest in

this litigation because it is entitled to any attorney's fees awarded in this action for the time period in which Ms. Kerr represented N.S. as an employee of DLC." Based upon this order, ASD believes fees awarded under the September 26, 2007 order are owed to DLC rather than to Kerr or the plaintiffs. However, to the extent any dispute as to the proper recipient of these fees exists, ASD has no stake in that dispute.

Therefore, ASD wishes to interplead these fees and respectfully requests this court to determine and advise ASD as to whom such fees are payable.

Dated in Anchorage Alaska this 3rd day of April 2008.

JERMAIN, DUNNAGAN & OWENS, P.C.

By: /s/ Bradley D. Owens
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CERTIFICATE OF SERVICE

This is to certify that on this 3rd day of April 2008, a true and correct copy of the foregoing was electronically mailed via the EFC to:

Megan Allison
Disability Law Center of Alaska
mallison@dlcak.org

Sonja Kerr
Kerr Law Office
skerr@skerrlaw.com

/s/Bradley D. Owens

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